



**COMMITTEE OF THE WHOLE MEETING  
APRIL 4, 2005**

Committee Members Present:           John Conklin  
  Dennis McGlone  
  Bill Mowery  
  Scott Pelot  
  James Price (Excused)  
  Brenda Hlas  
  Mike Zita

Administration Members Present       Mayor Joseph Kernan (Absent)  
  Claude Collins  
  Jeanne Zerga  
  Jeff Pritchard  
  Mike Lyons

The Committee of the Whole convened for a meeting on Monday, April 4, 2005 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas, President of Council.

**Committee of the Whole General Discussion:**

**Open Burning:**

Mrs. Hlas indicated that Fire Chief Ramsthaler was present for the discussions. Mr. Mowery discussed the current legislation and stated that he has received several calls every summer from residents complaining about open burning. Chief Ramsthaler stated that the current legislation carries a fine of \$100.00 for violators. If the fire department responds to a call, they warn the residents that the fire must be extinguished within three hours. There was discussion on the issue and Chief Ramsthaler indicated that he felt that there is no problem with the current legislation

**Safety for Service Dept. Employees:**

Mrs. Hlas indicated that Ted Weinsheimer, Supt. of Public Safety was present for the discussions. Mr. Mowery stated that in light of the recent tragedy with the City of Barberton employee, he wanted to make sure we are doing everything we can to protect the safety our employees and residents. Mr. Weinsheimer indicated that we are currently following State procedures and that safety training is always an ongoing issue. Mr. Weinsheimer indicated that he has scheduled meetings including the Barberton employees within the next several weeks. The safety training will include flagging, proper use of chain saws, fire extinguisher use, etc.

**Gardner Blvd. Assessment Ordinance**

Mr. Conklin indicated that all of the work has been completed for the Gardner Blvd/Tallwood Drive Waterline Project and that Council needs to take action for the final assessment faze. Mrs. Zerga indicated that in Ord. #29-2005 this addresses the final assessments being charged to the property owners for this project. By law, Council needs to adopt this ordinance. Ord #30-2005 is an ordinance for the City of Norton to purchase the bonds not to exceed \$54,833.00. The reason for the city to purchase the bonds internally is because the principal amount of the bond is so small that it has a limited marketability, it also has a 20-year maturity. This represents an investment by the city and will be at the current market rate. The city will not incur any underwriting costs associated with the issuance of bonds to an outside market. The final principal amount of the bond sale will be the amounts of the assessments that are not paid within the 30 day period provided to the property owner. If no one pays off the assessment within that 30 days, we know the total principal amount would be \$54,833.00, it could be less than this if some of the property owners come and pay their assessment. Mrs. Zerga stated that once the legislation is passed, we would mail certified letters to all property owners as well as a notice in the newspaper. advising they have 30 days to pay. Mrs. Zerga also stated that there would be three readings of these ordinances. Mrs. Zerga stated that at the end of this 30-day period, she would come back to Council and advise them as to the total figure. Mrs. Zerga explained Ord. #31-2005 and that during the Equalization Board process there was one parcel that is being deferred. This legislation would legally track the deed at the county level so in the future when this property taps into the water line, this assessment will kick in. Mr. Mowery questioned Mrs. Zerga on the total expenses related to this project, and the inside millage available to us. Mrs. Zerga stated that the total cost would be \$54,833.00 providing no resident pays the assessment up front. Mrs. Zerga stated there is no inside millage left to be used. Mr. Mowery inquired if we have printouts of all the costs related to this project, and Mrs. Zerga indicated that she does have printouts that reflect all of this information. Mr. Mowery discussed the Bond Counsel of Roetzel & Andress-Amanda Gordon, and the he felt that this is something Mr. Lyons should have done instead. Mrs. Zerga indicated that it is a requirement under Ohio Revised Code and the assessing laws that you should have a Bond Counsel prepare these documents. Mr. Mowery asked if Mrs. Zerga could have prepared these documents and act as Bond Counsel? . Mrs. Zerga stated that you would need to be an attorney experienced in this field, which she is not, nor is Mr. Lyons experienced in this field. Mr. Lyons added that 100% of other municipalities hire this out, and this is a very specialized and complicated area of practice. Mr. Mowery inquired as to how much theses services would costs the city, and Mrs. Zerga indicated for this project it would be close to \$6,000.00 which is included as part of the project costs. Mr. Mowery inquired if we have a specific ordinance authorizing a contract for Roetzel & Andress. Mrs. Zerga stated that there is no specific ordinance, however it is listed in this ordinance that Roetzel & Andress is the Bond Counsel for this particular project. Mrs. Elaine Tompkins, a Norton resident questioned why we are not doing this as a short term note instead of a bond. Mrs. Zerga stated that if we sell a note for one year as Mrs. Tompkins suggested we would not have the funds to pay off the note in one year, and keep in mind that this is a 20-year assessment. The interest would constantly be changing every year, and the assessment cost would never be the same, therefore the residents would not know how much they owed from year to year. Mr. Conklin moved to add Ordinance #29-2005 to Council' next agenda, declaring an emergency, seconded by Mr. McGlone.

Roll Call: Yeas: Conklin, McGlone, Mowery, Pelot, Zita, Hlas  
Nays: None

Motion passed 6-0.

**Gardner Blvd. Assessment Ordinance continued:**

Mr. Conklin moved to add Ordinance #30-2005 to Council's next agenda, declaring an emergency, seconded by Mr. McGlone.

Roll Call: Yeas: Conklin, McGlone, Mowery, Pelot, Zita, Hlas  
Nays: None

Motion passed 6-0.

Mr. Conklin moved to add Ordinance #31-2005 to Council's next agenda, declaring an emergency, seconded by Mr. McGlone.

Roll Call: Yeas: Conklin, McGlone, Mowery, Pelot, Zita, Hlas  
Nays: None

Motion passed 6-0.

**BZA Appointment of Nicholas Genis:**

Mr. Zita indicated that along with this appointment, he would also like to have a resolution of appreciation for Bob Adams for his service on the BZA. Mr. Zita moved to place this resolution on Council's next agenda, seconded by Mr. Pelot.

Roll Call: Yeas: Zita, Pelot, Conklin, McGlone, Mowery, Hlas  
Nays: None

Motion passed 6-0

Mr. Zita discussed the Mr. Genis' qualifications adding that he is a Norton Graduate, and is a license Professional Engineer since 1965. Mr. Zita moved to place this on Council's next agenda, seconded by Mr. Pelot.

Roll Call: Yeas: Zita, Pelot, Conklin, McGlone, Mowery, Hlas  
Nays: None

Motion passed 6-0

**Resolution in support for Wolf Creek:**

Mr. Pelot stated that this is authorizing Mr. Pritchard to petition the Ohio Erie Canal Corridor Coalition for a grant to do a feasibility study. Mr. Pritchard indicated this merely a continuation of the Summit County Trail and Greenway plan and is part of our projects for the city. This would determine who is responsible for specific areas, and establish a collaborative effort among Copley, Fairlawn, Akron, Norton and Barberton. The total costs would be \$25,000.00 and Norton would have to pay \$2,000.00. Mrs. Hlas indicated that this legislation should have Wayne Counties added to the language. Mr. Pelot moved to add this legislation to Council's next agenda, seconded by Mr. Conklin.

Roll Call: Yeas: Pelot, Conklin, McGlone, Mowery, Zita, Hlas.  
Nays: None

Motion passed 6-0.

**PC Resolution #1-2005-Miller Property Rezoning:**

Mr. Pelot indicated that the Millers own three parcels of land at the corner of Cleve-Mass. Road and Weber Drive. The Millers want to move their business from the Marathon Station, and build a new service garage facility. They are asking Council to rezone to B-3 Highway Business, which the Planning Commission favorably approved this. There were several residents present that were against this rezoning. Many voiced their concerns about property devaluation, safety for the children, traffic flow, and poor drainage to the existing residents. Mrs. Hlas indicated that we currently have laws in place to protect the adjacent parcels from flooding, and it would not be worse than what exists now. Mr. Pritchard confirmed Mrs. Hlas' statement, adding that this particular issue would be addressed during the Planning & Design Review stage. There was discussion about requesting a traffic impact study and Mr. Pritchard indicated that generally only residential development would require a traffic impact study, which this is not. There were a few residents present that were in favor of this rezoning. There was lengthy discussion as to if this is in fact spot zoning. Mrs. Hlas indicated that this location is on old State Route 21, and if you look at the overall area as a whole, it would not be spot zoning. Mr. McGlone indicated that he is not for this rezoning, and stated that you need to ask your wives how they would like to see an auto parts store across the street. Mr. McGlone mentioned the fact that this rezoning was before Council in 2000 and wondered why it was turned down then. Mrs. Hlas reflected to the minutes of the Regular Council Meeting in 2000, which indicated that it was tabled at that time. Mr. Mowery stated it was tabled because of all of the same concerns of the residents. Mr. Mowery stated that the plan before us now is better, and the final plans would be addressing the water issues. Mr. Mowery stated that for now Council needs to only be concerned with the zoning issue. Mr. McGlone indicated that he has no problems with bringing new businesses into Norton, just not sure if this is the best possible location. Mr. Mowery stated that he felt this is a spot zoning because of the area, it does not mean that it is not right. Mr. Mowery stated it is a good investment for your neighborhood if you look down the road. Mr. Mowery stated that there will be three more public hearings on this subject and it would be explained in more detail at that time. There was more discussion on the amount and types of other business already in this area. Mrs. Hlas informed everyone present that the first hearing would be April 11, 2005, second reading April 25, 2005 along with the public hearing, and the third and final reading would be May 9, 2005. Mr. Pelot moved to add this item to Council's next agenda, seconded by Mr. Zita.

Roll Call: Yeas: Pelot, Zita, Conklin, Mowery, Hlas  
Nays: McGlone

Motion passed 5-1.

**Trash Haulers Bid Package:**

Mrs. Hlas indicated that Mr. Pritchard had presented Council with a list of questions on how we should handle the bid proposal. This was sent back to the Committee for further discussion since Mr. Conklin has suggested we ask the bidders to respond with two options; an opt-in and an opt-out. That is not the way the motion came and this is why we need to discuss this in detail. Mr. Pritchard indicated that the bid date is the same as the original document, just changed the year to submit for bid on August 3, 2005. If this is successful and we proceed the program would initiate on January 2, 2006. This gives some flexibility time to work through this. Mr. Pritchard indicated that the bid package will be free if downloaded from the city's website or \$10.00 if they come to the Administration Building to pick it up. Mr. Pritchard also stated that he has changed final approval of the bid from Board of Control to Council.

**Trash Haulers Bid Package continued:**

There would be an option for the residents to either opt-in or opt-out, with an estimated participation of 60% if it goes with an opt-out program. We calculated this to be 2,603 residential units and, we also have incorporated the three different levels of service as Council requested. It was decided to let the contractor handle the issues of method of notification and conflict resolution. Mr. Pritchard stated that he added a 30-day time frame for Council to approve/deny the bids. There was discussion on the time limit for the resident to decide should be set at 30 days. There was lengthy discussion as to the complexity of having opt-in and opt-out choices. Mr. Pelot indicated that he cannot support this with a no opt out provision, and felt that the initial idea to save the residents some money has been lost, not to force something down their throat. Mrs. Hlas indicated that Council would have to decide if it would be a opt-in or an opt-out Mrs. Hlas indicated that this would be on the agenda for the September 12, 2005 Regular Council Meeting, and could be discussed during the Committee of the Whole on the floor. Mrs. Hlas stated that once Council approves a contractor, we should adopt an ordinance with emergency language, waiving the second and third readings if necessary to meet the time frame. There were several comments from residents present as to why is there such a big push to do this, and the fact that it has been almost two years of work and time spent on this. Mrs. Hlas indicated that she started this almost two years ago with the whole intention of offering the residents another service, with a cost saving to the residents. This bid package was the same one the City of Green used and we also took into consideration Barberton, Copley, etc., we just tweaked it a bit. Mrs. Hlas stated no matter what happens with this bid package, your trash pick up rates are going to go up regardless. Mrs. Hlas stated that this was supposed to be something fairly simple and less complicated and she had not expected to have this take so long. Mrs. Hlas moved to place this on Council's next agenda, seconded by Mr. Zita.

Roll Call: Yeas: Hlas, Zita, Conklin, McGlone, Mowery  
Nays: Pelot

Motion passed 5-1.

**Old Business:**

None

**New Business:**

None

**Adjourn:**

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 9:44 PM.

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Brenda K. Hlas-President of Council

Date approved: April 11, 2005

**THESE MINUTES ARE NOT VERBATIM. THE AUDIOTAPE WILL BE ARCHIVED IN THE CLERK OF COUNCILS OFFICE.**

